

# **EXHIBIT 5**

## **TRIAL TRANSCRIPT**

### **AUGUST 28, 2025**

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Before The Honorable Richard Seeborg, Judge

ANIBAL RODRIGUEZ, et al., )  
individually and on behalf of )  
all others similarly situated, )

Plaintiffs, )

VS. )

GOOGLE LLC, )

Defendant. )  
\_\_\_\_\_ )

NO. 3:20-CV-04688 RS

San Francisco, California  
Thursday, August 28, 2025

**TRANSCRIPT OF JURY TRIAL PROCEEDINGS**

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CSR No. 7445, Official United States Reporter

1 A. Correct.

2 Q. Let's talk about Mr. Lasinski's third -- the third error  
3 in Mr. Lasinski's report that you identify, and it has to do,  
4 I think, Professor Knittel, with iOS 14.5; is that right?

5 A. That's right.

6 Q. What is iOS?

7 A. So that's the operating system that runs on iPhones.

8 Q. On iPhones?

9 A. Yes.

10 Q. So fair to say that when you're talking about iOS, you're  
11 really talking about iPhones and iPads?

12 A. Yeah, iPads too. It runs on iPads. I should have  
13 said that in the first place, yeah.

14 Q. And what does 14.5 mean?

15 A. So that's the version. The number after iOS is the  
16 version of the operating system.

17 Q. So if you have an iPhone and, you know, you get that  
18 message from Apple that says "Update your operating system,"  
19 that's the number that you're referring to?

20 A. Yeah. That number is increasing either the number after  
21 the decimal point and, for big -- big improvements, the number  
22 before the decimal point.

23 Q. And so what is the point of referencing iOS 14.5 here?

24 A. So after iOS 14.5 -- and if you're an iPhone user,  
25 you've probably seen this -- periodically -- and I'm not a

1 technical expert, so I can't tell you how frequently this  
2 happens. It might just be the first time you use an app.

3 But at some point when you use an app, this thing pops up  
4 that says -- you know, you're able to click it, that says, "Ask  
5 app not to track you." And if you click that, then it's not  
6 going to use -- from what I understand, Google is not going to  
7 be able to use the data that comes from anything you do in that  
8 app for conversion tracking.

9 **Q.** And, Professor Knittel, do you recall Mr. Lasinski  
10 testifying on Monday about the market share of iPhones versus  
11 Android devices in the U.S.?

12 **A.** I do, yeah. I can't remember the context, but I do  
13 remember that.

14 **MR. HUR:** Can we pull up Mr. Lasinski's Slide 33.  
15 And, Brooklyn, would you mind highlighting or pulling out that  
16 market share column on the left there.

17 **BY MR. HUR:**

18 **Q.** Do you recall, does this refresh your memory as to whether  
19 Mr. Lasinski was telling the jury that Android had about half  
20 the market share in the U.S.?

21 **A.** Yes, I remember that.

22 **Q.** And do you remember him saying that, essentially, Apple  
23 has a little less than half?

24 **A.** Yes.

25 **Q.** Have you seen and relied upon documents that have

1 conversion tracking are the damages.

2 So if you can't track or do conversion tracking with a  
3 user that's using 14.5, then that would come out of -- out of  
4 his share or out of the unjust profits that he calculates.

5 **Q.** Do you have an understanding -- well, let me back up.

6 You understand that Google treats sWAA-off data it  
7 collects as signed-out data? Do you understand that?

8 **A.** I believe I have that understanding.

9 **Q.** And isn't it true -- and you've been in court for various  
10 witnesses' testimony in this case; correct, sir?

11 **A.** I have.

12 **Q.** And so you've heard that when Google says they treat it as  
13 signed out, what they mean is they still collect it, they still  
14 use it for conversions, but they just save it somewhere  
15 separate from what they call a user's Google Account? You  
16 understand that that's the difference between how Google treats  
17 signed-in traffic and how it treats signed-out traffic;  
18 correct?

19 **MR. HUR:** Objection. Foundation.

20 **THE COURT:** Overruled.

21 **THE WITNESS:** At least from what I understand, I would  
22 just add one more provision there, which is that it's saved as  
23 de-identified.

24 **BY MS. BONN:**

25 **Q.** And in your deposition, sir, you had a different